## MINERS AND RAILROADS.

Strong Reasons Why Those Who Mine and the Railroads Should Be Friends.

The Natural and Legal Rights of Each to Lands Will Cause Many Cofficts.

The Contest the Most Unfortunate For the Miners-Only One Perfect Solution of the Question.

There are the strongest possible of all reasons why our miners and railroads should be on the most friendly terms; that they should exercise mutual confidence, forbearsance and co-operation; for they are and must continue to be co-workers in prosecuting the greatest of all our industries. Fully half the business of our railroads depend directly or indirectly upon our mines; and the profitable working of most of our mines; and the profitable working of most of our mines; and the profitable working of most of our mines; and portation of ores, fuel and bullion by our railroads. The morning journals have just announced that the largest mining plant in the world will stop operations, and throw thousands of miners out of employment at the beginning of a bleak winter, because a railroadcan not transport the necessary fuel. Many of our old-timers know well what Butte was before the railroads came, how Dr. Ford and others guarded well their "bright prospects;" and many have seen the Butte of to-day—but few comprehended its was operations, the thousands of miners delving in its deep mines, the endless trains of ores, and trains of bullion on their way to the markets of the world.

Should not give to employ the best legrands. 3d. It alent to represent the miners' claims and see that they have all the law grants them. This, too, is a wise move, as the railroad to the they all them. This, too, is a wise move, as the law at the law grants them. This, too, is a wise move, as the law and see that they have all the law grants them. This, too, is a wise move, as the law and see that they have all the law grants them. This, too, is a wise move, as the law and see that they have all the law grants them. This, too, is a wise move, as the law. This, too, is a wise move, as the law. This them. This, too, is a wise move, as the law. This is and see that they have all the law grants them. This, too, is a wise move, as the far them. This, too, is a wise move, as the far them. This, too, is a wise move, as the far them. This, too, is a w

should co operate and maintain the most friendly relations.

But most unfortunately the natural and legal rights of the miner to discoveries on odd sections appear to come in conflict with the legal rights of the railroad; and as the rights involved are of great prospective value, the conflicts over them will be defended with all the abilities and resources of both parties, and will inevitably become intensely bitter and vastly expensive; and from the great difficulty in discovering the character of the lands in dispute, new cases will certainly arise for the next thousand years, unless some means be found to reconcile conflicting claims other than an appeal to the land office and courts. In other words, under present laws and rulings this must be a bitter, an irrepressible, an everlasting conflict which will rest like an incubus upon the prosperity of our young state.

This state of conflict is most, unfortunate. with the legal rights of the railroad; and as the rights involved are of great prospective value, the conflicts over them will be descended with all the abilities and resources for both parties, and will inevitably become intensely bitter and vastly expensive; and from the great difficulty in discovering the character of the lands in dispute, new cases will certainly arise for the next thousand years, unless some means be found to reconcile conflicting claims other than an appear to the land office and courts, In other words, under the land office and courts, In other swords, under the prosperity of our young state.

This state of conflict is most unfortunate for both parties. It is unfortunate for both parties in the prospector and miner, for the year of the land office and the emoluments derived therefrom; it will entail losses by postponing the selection of land in losses by postponing the selection of land in lease of the lands and the emoluments derived therefrom; it will entail tosses by postponing the selection of land will be injured by the alienation of a great prospector and miner, for they would have the best lands have been appropriated by when he would may be the self-and and the emoluments derived therefrom; it will entail to see the prospector of the land and the emoluments derived therefrom; it will entail to see the prospector of the land and the emoluments derived therefrom; it will entail to see the prospector of the lands in lieu of those awarded to miners, after the best lands have been appropriated by which would destroy by the land the proviso of the land and the emoluments derived therefrom; it will entail to see the proviso of the land and the emoluments derived therefrom; it will entail to see the proviso of the land and the emoluments derived therefrom; it will entail to see the proviso of the land and the e

the Boston & Maine, I think, will illustrate how a poor lone woman may prove too strong for a great corporation.

A train killed the widow's pig. The company refused to pay for it. The woman was too poor to employ lawyers and make a legal fight; and all the neighbors sympathized with how for the loss of her only pig. But A train killed the widow's pig. The company refused to pay for it. The woman was too poor to employ lawyers and make a legal fight; and all the neighbors sympathized with her for the loss of her only pig. But by some means never discovered by the company, the rails were so greased on an ap grade near the widow's cabin that trains were often stopped and delayed so much to the vexation of the managers, that a guard was detailed to protect the road and discover the sinner. After many weary cover the sinner. After many weary days and nights of fruitless watching, the guard was removed as no longer necessity, and the greese returned. Every pound of lard thus applied to the road cost so much that the managers to the rola cost so much that the managers thought it cheaper to pay for the pig than to have its lard wasted on their rais. The victorious widow meekly received the congratulations of the whole country-side. Every good railroad man appreciates the value of a people's good will.

But this conflict is a hundredfold more

\$60,000.00 in its treasury, which has thousands of men in its employ, including the best legal talent in the land, and which can in a day organize a powerful lobby to influence decisions and legislation at Wash-

4. The miner needs the aid of the railroad 4. The miner needs the aid of the railroad in making his mines profitable. Thousands of miners are now waiting for the whistle of the locomotive to make them rich. Whole camps even as shown above, are depending upon the railrood to assist in developing their vast mineral wealth. Although it is said "corporations have no souls," it is evident they show favors where they will, and let their antagonists severely alone when their aid is needed. The management is human; and it is human to remember when their aid is needed. The management is human; and it is human to remember favors and not forget injuries. These bitter contests must create in the managers of the road feelings more or less antagonistic to the miners as a class; and this antagonism many retard the building of roads so much needed by the miners and hinder the establishment of low rates for this class of contours.

For these and other reasons which might be given, this conflict is unfortunate for the railroad and much more unfortunate for the miners. It is a check upon the prosperity of the railroad, and it will keep millions from the pockets of hard-working miners, and will rest as an incubus upon the progress of our state.

For such an evil there must be some remedy. What is it?

Several remedies have been proposed.

For these and other reasons which might be given, this conflict is unfortunate for the miners. It is a check upon the prosperity of the railroad, and it will keep to said day, at the front door of the court bouse, city of Helena, Lawis and Clarke county, Montana, I will sell all the right title and interest of the said J. H. Russell in and to the above described property, to the highest between St. Paul and Portland. Night school October to April. Read "Board of Reference" in College Reporter.

Write for terms.

HAHN & WALTERS,

edy. What is it? Several remedies have been proposed. 1st. It is proposed that the miners and

their friends shall unite and organize under corporate powers, to raise funds and employ all necessary legal and other aid to secure for the miner all his natural and legal rights, to possess and enjoy all the benefits of his discoveries, even on all odd sections of the public domain. This is certainly a good move; and, if wisely managed, must become a great help to the miner in securing justice, and an aid to all parties and in terests in obtaining an early and amicable settlement of the whole matter in erontroversy.

versy.

2d. It is proposed to ask the secretary of the interior towithhold all patents to the railroad until the Mineral Land association of Montana is prepared to act and fully present the claims of the miners to the ten thousand mineral locations made upon the land claimed by the railroad in this state.

This is well. It is not wise to give the railroad the advantage of patents. Though they may not convey the title to the railroad, they certainly are a prima facie evidence of title; and this the government should not give to either applicant until it is fully settled, who are the rightful claimants.

the markets of the world.

Red Lodge and Sand Coulee were nothing but buried coal-beds without the railroads: with them, they are now or soon will be the greatest coal mines in the country. What Maiden and Barker and Castle and Niehart and Cooke City are to-day, Butte was before the railroads, and what Butte is to day, Barker, Maiden, Niehart, Castle and Cooke City will be with railroads to transport ores, fuel and bullion.

There is, therefore, the strongest possible reasons why the miners and the railroads should co operate and maintain the most friendly relations.

But most unfortunately the natural and erail land.

This would amicably settle the question in dispute as to a very large portion of the so called railroad lands in Montana; but there would still remain a great many odd sections in the mountain regions which no commission can possibly say is mineral. Still the probabilities are that every section in the mountains and foothills is mineral; for all have been subjected to the same influences which filled all the other mountain lands with mineral veins, Then it is more than probable that mineral veins will continue to be discovered on these lands for the next thousand years.

6th, To comply with the conditions of the land grant, and do no injustice to railroad

that his good will or ill will may be of great importance to the road.

A conflict which occurred many years ago between a poor widow and a great railroad, the Boston & Maine, I think, will illustrate how a poor lone woman may prove too

It is therefore apparent that these reme

continue, will wax more and more bitter and become more and more expensive. It will never end; it is irrepressible and ever-lasting. As long as men continue to mine nasting. As long as men continue to mine in these mountains, so long will mineral deposits be discovered on these odd sections. It is and will continue to be a heavy drag on the prosperity of our state, and it will become more and more burdensome and disastrons.

victorious widow meekly received the congranulations of the whole country-side. Every good railroad man appreciates the value of a people's good will.

But this conflict is a hundredfold more unfortunate for the miner.

1. Because the claim of the railroad casts a shadow upon his title to mines discovered. However rich and promising, he has not the same inducements to develop his claim; nor can he sell it for half its value, while a conflict with the railroad goes with it. For this reason, discoveries on odd sections are deemed far less valuable.

2. The miner, even after he has done the proper amount of work, paid for the necessary surveys, made the required proofs, and deposited his money to pay for the land, even when he has thus complied with the law, he can not get a patent, because the railroad has filed an adverse claim. Thus, after spending his time and money and after depositing money to pay for the patent, he can not hope to get it for years, if he ever does. Hundreds of Montana miners are now in this fix, the most of them in no condition to wait, and some of them bor rowed the money at high interest to deposit for the patent, Yes! Miners are paying interest on money to lie idle in the government coffers for years, because of this adverse railroad claim.

3. The miner has sent hopes of final success. Single handed, with little money and little influence outside his own camp, he has a poor chance of victory in the land office at Washington, and in the courts, against a corporation which but lately put \$60,000,000 in its treasury, which has thousands of men in its employ, including the best legal talent in the land, and which can 6. One perfect remedy, however, has been

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greeting to the above named defendant:
You are hereby required to appear in an action brought against you by the above named plaintiff in the district court of the first judicial district of the territory of Montana, in and for the county of Lewis and Clarke, and to answer the complaint filed therein within ten days (exclusive of the day of service) after the service on you of this summons, if served within this county; or, if served out of this county but in this district within twenty days; otherwise within forty days, or judgment by default will be taken against you, according to the prayer of said complaint. The said action is brought to secure judgment against said defendant for the sum of \$145.11 with interest thereon from the 18th day of October, 1889, at the rate of ten per cent per annum for goods, wares and merchandise sold and delivered by plaintiff to defendant between the 2nd day of October, 1889, and for costs of suit.

And you are hereby notified that if you fail to appear and answer the said complaint, as above required, the said plaintiff will take judgment for the sum demanded in the complaint, to-wit: \$146.11 and interest and costs of suit.

Criven under my hand and the seal of the district court of the first judicial district of the territory of Montana, in and for the county of Lewis and Clarke, this 19th day of October, in the year of our Lord one thousand eight hundred and eighty-nine.

(Seal.)

(Seal.) W. F. PARKER, Clerk. A. C. Botkin and George F. Shelton. attorney

SUMMONS-IN THE DISTRICT COURT IN Summons-In THE DISTRICT COURT IN the First Judicial District of the state of Montana, in and for the county of Lewis and

Montana, in and for the county of Lewis and Clarke.

First National bank of Helena, plaintiff, vs.

Samuel Cohen, defendant.

The people of the territory of Montana send greeting to the above named defendant:

You are hereby required to appear in an action brought against you by the above named plaintiff in the district court of the first judicial district of the territory of Montana, in and for the county of Lewis and Clarke, and to answer the complaint filed therein, within ten days (exclusive of the day of service) after the service on you of this summons, if served within this county, or, if served out of this county, but in this district, within twenty days; otherwise within forty days, or judgment by default will be taken against you, according to the prayer of said complaint. The said action is brought to recover a judgment against you, the said defendant, in favor of the said plaintiff in the sum of four hundred and twelve and 40-400 dollars, alleged to be the amount of principal of a certain promissory note, made and exceuted by you, the said defendant, to Edward W. Knight, cashier, and bearing date upon the 19th day of August, A. D. 1880, due ninety (20) days after date; said note being for the sum of four hundred and twelve and 40-400 dollars with interest thereon at the rate of one per cent per month after maturity until paid, as fully set forth in plaintiff's complaint herein.

And you are hereby notified that if you fall to appear and answer the said complaint, as above required, the said plaintiff will take judgment against you by default in the sum of four hundred sand twelve and 40-400 dollars and interest, together with costs of sait as demanded in plaintiff's complaint herein.

Given under my hand and the seal of the district court of the first judicial district of the state of Montana, in and for the county of Lewis and Clarke, this twenty-fifth day of September, in the year of our Lord one thousand eight hundred and eighty-nine.

SHERIFF'S SALE—BY VIRTUE OF AN EXEction in my hands, issued o

SHERIFF'S SALE-BY VIRTUE OF AN EXE cution in my hands, issued out of the district court of the first judicial district of the state of Montana, in and for the county of Lewis and Clarke in the suit of Henry M. Parchen as H. M. Parchen & Co., against J. H. Russell, duly attestist the 12th day of November, A. D. 1889, I have levied upon all the right, title and interest of the said J. H. Russell in and to the following described proporty, situated in Lewis and Clarke county, Montana territory, viz: Lots number one (1) and two (2) in block number five (5). Hanser's addition to the city of Helena, Lewis and Clarke county, Montana, and the improvements thereon. Part of lot number nine (9). Thompson's placer mining claim, being sixty (60) feet of lot number quarter of the southwest quarter of section thirty. (20) in township ten (10) north of section thirty. (20) in township ten (10) north of section thirty. Lewis and Clarke cou

CHAS. M. JEFFERIS, Sheriff. By ISAAC HOLBROOK Deputy Sheriff.

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For the Holidays.

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